

the buttons during trading operations:

during the performance of trading operations, positioning a cursor within the at least one visual display using a cursor control mechanism located on the control unit without the need for sliding the control unit over a surface and while permitting the operator to maintain substantially constant visual contact with the at least one visual display, substantially without the need for visually focusing on the control unit during the performance of trading operations.

14. (Canceled) The method of Claim 13, wherein trading operations are performed while maintaining the control unit within a hand-held position.

15. (Previously added) The control unit of Claim 1, wherein the one or more computers comprise personal computers.

16. (Previously added) The control unit of Claim 15, wherein the personal computers need not be connected to a central server to allow the control unit to function in the manner of Claim 13 [1].

17. (New) The control unit of Claim 1, further comprising a second application overlying the trading application, the second application enabling the execution of trades involving different quantities through the performance of a single click on a portion of the control unit by an operator.

18. (New) The method of Claim 13, further comprising the step of enabling the execution of trades involving different quantities through the performance of a single click on a portion of the control unit by an operator.

REMARKS

Claims 1-18 are pending.

Previous claims containing amendments, not including the "one-click" feature

recited in Claims 17-18 and discussed below, were not entered per an Advisory Action mailed December 24, 2003 because they were found to raise new issues requiring further consideration and/or search.

Applicants note that the reasons given in the Continuation Sheet of the Advisory Action for continuation of the rejection are not deemed responsive to – indeed, fail to even reference – the Mazza Declaration previously filed and discussed.

In the “Response to Arguments” presented in the final Office Action mailed October 22, 2003 (Paper No. 9, page 2), it is stated that the McCausland buttons “allow the user ‘to maintain substantially visual contact’ with the display.” That is not the case. The Mazza Declaration, presented with the previous Rule 115 Amendment, clearly states otherwise

The McCausland control panel buttons ... do not permit a trader to ‘maintain substantially visual contact’ with a visual display, and do not allow a trader to avoid ‘visually focusing on the control unit during th performance of trading operations,’ as recited in pending Claims 1 and [13]”....

(Mazza Dec., ¶ 3). Mr. Mazza, the inventor and an experienced trader (*id.*, ¶ 2), explains that this is so because McCausland fails to disclose or suggest the use of trading control buttons of different shapes, sizes or textures which provide the operator with “tactile feedback sufficient to allow the operator to distinguish between the trading control buttons without visually focusing on the buttons” (Mazza Dec., ¶¶ 4, 5). In fact, the McCausland buttons used for trading control are all square/rectangular buttons of the same or similar size and shape (*id.*, ¶ 5) – see FIGURE 3 of McCausland, key cluster 204, for example. McCausland also differs from the claimed invention by employing a planar base surface keyboard, as opposed to the hand-held control unit of the claimed invention. These points have been emphasized in the pending independent claims to further distance the invention from McCausland.

The pending claims are also allowable over the cited prior art, including

McCausland, in light of the claimed "one-click" feature now discussed, and recited in new Claims 17 and 18. This feature permits execution of quantity (size) trading changes (e.g., changing "500 lot" to "250 lot") using just one click on the trading controller. As the specification explains at page 13, lines 5-10, the Configuration Engine enables the user to "map" the trading buttons to specific regions within the proprietary trading application. The Application Overlay or "plate of glass" (page 12, lines 14-15; referring to in Claim 17 as the "second application") lays on top of the user interface for any Windows-based application and mimics mouse input (*id.*, line 15). Thus, when the user clicks the "500 lot" button on the trading controller, the Messaging Controller messages the Application Overlay to "click" the corresponding "500 lot" button on the proprietary trading system then being used (see page 12, lines 12-13 of the application).

For the foregoing reasons, Applicants respectfully request an allowance of pending Claims 1-18. If an allowance is not forthcoming prior to the next written communication, the Examiner is requested to contact the undersigned prior to the sending of any further written communication.

Respectfully submitted,


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